THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27155 OF 2006

DATED: 29-03-2007

Between:

R.Reddepa Reddy

. . .Petitioner

and

The Government of AP and others

. . .Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27155 OF 2006

O R D E R:

The petitioner seeks a writ of mandamus to declare the action of the second respondent - Inspector of Police, Special Squad, Chittoor, in seizing and detaining the petitioner's Commander Jeep bearing No.AP09 V 7084, as illegal, arbitrary and also to direct the respondents to release the vehicle forthwith.

Original Vehicle Check Report has not been filed and only typed copy has been filed. A perusal of the copy of vehicle check report, dated 18.12.2006, shows that the Inspector of Police, Special Squad, Chittoor, seized the vehicle in question on the alleged irregularities that the said vehicle has been used as a stage carrier by violating the permit rules; the driver is not having driving license and valid documents have not been produced and that the Driver/Conductor has admitted the said offences and agreed for the compounding fee.

The second respondent filed a counter affidavit stating that on 18.12.2006, he stopped the vehicle, which was not having registration number, carrying 20 passengers and operating as stage carrier against the rules, and directed its driver to produce the relevant records, but he did not produce the same. However, in the copy of records produced by him, no valid records were found. The driver of the said vehicle is aged about 15 years and he stated that the owner of the vehicle is one

Mr. G.Uday, but not R.Reddepa Reddy, the petitioner herein. Accordingly, he prepared a vehicle check report, dated 18.12.2006, seized the vehicle and kept at Bhakarapeta Police Station, Chittoor District. The Vehicle Check Report was also sent to the Regional Transport Authority, Chittoor. While giving a copy of the check report to the driver of the vehicle, the second respondent advised him to approach the concerned Regional Transport Authority for obtaining fitness certificate and to clear all dues. Instead of approaching the competent authority i.e. Regional Transport Authority, the petitioner approached this Court by way of present writ petition. The other allegation against the second respondent that he has demanded Rs.38,000/- towards compounding fee has been denied.

Whenever the vehicle has been seized for the contravention of relevant provisions of the Motor Vehicles Act or the Andhra Pradesh Motor Vehicles Act, it is for the registered owner to approach the concerned Secretary, Regional Transport Authority, for getting the vehicle released, but without taking such recourse, the petitioner filed this writ petition questioning the seizure itself as illegal and arbitrary.

The counter affidavit discloses that the petitioner is not the owner of the vehicle and the said vehicle has been plied without exhibiting any registration documents and was plying as a stage carrier without any valid permit.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with liberty to the registered owner of the vehicle to approach the concerned Regional Transport Authority for getting the vehicle released, in accordance with law. No costs.

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V.ESWARAIAH, J

29th MARCH, 2007.

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